



MICHAEL P. PAPPAS LAW FIRM, P.C.

New York • New Jersey • California

January 31, 2022

MEMO ENDORSED

VIA ECF

The Honorable Sidney H.
Stein United States District
Judge United States District
Court Southern District of
New York 500 Pearl Street
New York, New York 10007

Re: **Tse v. Capital One Financial Corp. et al. - Case No. 1:20-cv-09347-SHS**

Dear Judge Stein:

On behalf of Plaintiff, we respectfully request that the date for oral argument on Defendants' partial motion to dismiss be rescheduled from February 8, 2022 to a later date. The undersigned (who is principally responsible for responding to the motion) has a previously-scheduled third-party deposition in another action (*Archer v. Thrive Network*, 19-cv-1641, E.D.N.Y.) on February 8, 2022, which cannot be rescheduled due to witness availability and a February 28th discovery cut-off in that case.

We have conferred with opposing counsel and they consent to the adjournment. All counsel are available for the oral argument on March 3, 4, or 8, 2022. This is the first request for an adjournment of the oral argument date.

Thank you for your consideration.

MPP/mp

Respectfully submitted,

s/Michael P. Pappas

Michael P. Pappas

cc: Counsel for all Parties (via ECF)

The oral argument is adjourned to February 18, 2022 at 9:00 a.m. and will take place in Courtroom 23A.

**Dated: New York, New York
January 31, 2022**

SO ORDERED:

Sidney H. Stein, U.S.D.J.